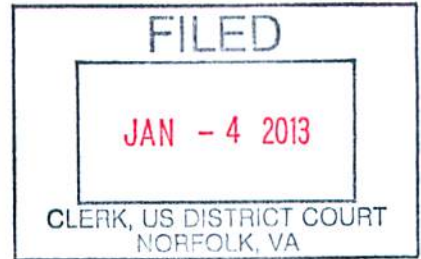


UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division



ELIZABETH DEBRA STEWART,

Plaintiff,

v.

ACTION NO. 2:11cv597

MICHAEL J. ASTRUE,
COMMISSIONER OF SOCIAL SECURITY,

Defendant.

REMAND ORDER


Plaintiff brought this action under 42 U.S.C. § 405 (g) seeking judicial review of the decision of the Commissioner of the Social Security Administration ("Commissioner") denying plaintiff's claim for a period of disability and disability insurance benefits ("DIB") under Title II of the Social Security Act, as well as plaintiff's claim for Supplemental Security Income ("SSI"), under Title XVI of the Social Security Act.

On January 23, 2012, this matter was referred to a United States Magistrate Judge, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72(b) of the Federal Rules of Civil Procedure for report and recommendation. Report of the magistrate judge was filed on December 20, 2012, recommending that the Commissioner's decision be vacated and the case be remanded for further proceedings. By copy of the report, each party was advised of the right to file written objections to the findings and recommendations made by the magistrate judge. The court has

received no objections to the magistrate judge's report and recommendation, and the time for filing same has expired.

The court does hereby adopt and approve the findings and recommendations set forth in the report of the United States Magistrate Judge filed December 20, 2012. Accordingly, Plaintiff's Motion for Summary Judgment is **GRANTED** to the extent that it seeks remand of the Commissioner's decision and **DENIED** to the extent that it seeks reversal and an order directing the award of benefits; defendant's motion for summary judgment is **DENIED**; and the final decision of the Commissioner is **VACATED** and the matter is hereby **REMANDED** to the Commissioner for further administrative proceedings consistent with the Magistrate's Report and Recommendation filed December 20, 2012.

The Clerk shall forward a copy of this Remand Order to counsel for plaintiff and defendant.

/s/
Rebecca Beach Smith
Chief
United States District Judge 

REBECCA BEACH SMITH
CHIEF UNITED STATES DISTRICT JUDGE

Norfolk, Virginia

January 4, 2013